

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10925 OF 2025
IN
SECOND APPEAL NO.455 OF 2015

Shantaram Sagu Jagdale	...	Applicant
In the matter between:		
Aba Sagu Jagdale	...	Appellant
Vs.		
Shantaram Sagu Jagdale and others	...	Respondents

Mr. Shailesh Chavan i/b. Mr. Milind Deshmukh for Applicant.
Mr. Sachin Gawade i/b. Mr. Avinash Avhad for Respondent Nos.3, 5 to 11 and 13 to 15.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 11, 2025

P.C. :

1. By this application, the applicant (original respondent No.1) is seeking interim relief against respondent No.14, claiming that unauthorized construction is being undertaken and that an urgent interim order needs to be granted immediately for removal of unauthorized construction.

2. Respondent No.14 is represented by Advocate Avinash Avhad and on 10.09.2025, this Court had granted time to file reply to the present application. On 10.10.2025, the learned counsel appearing for respondent No.14 and other respondents submitted that he was awaiting instructions for filing reply affidavit and hence last chance was granted.

3. Today, Mr. Sachin Gawade, learned counsel appearing for Mr.Avhad submits that on 04.10.2025, notice was sent to all the respondents for whom he was appearing, including respondent No.14 for withdrawing *Vakalatnama* as no instructions were received. Such a notice was sent again on 06.12.2025. On this basis, it is contended that

Advocate Avhad is withdrawing his *Vakalatnama*.

4. Be that as it may, this Court finds that the respondent No.14 is deliberately indulging in such tactics to keep this application pending, with the hope that this Court would not take up the aspect of ad-interim / interim-relief as sought in the present application. Respondent No.14 cannot be allowed to succeed in such tactics and therefore, while the said respondent may make arrangements for being represented by another advocate before this Court, in the meanwhile, this Court is taking up the present application for considering the question of ad-interim relief.

5. The learned counsel for the applicant refers to the copies of the police complaints placed on record as also photographs showing construction being undertaken. It is specifically submitted that the respondent No.14 is indulging in such activity and that, in the interest of justice, appropriate ad-interim order needs to be granted, as the construction is in clear violation of order dated 26.02.2025 of this Court, whereby operative portion of the impugned judgement had been stayed and further interim directions were issued in paragraph 12 of the said order.

6. Having heard the learned counsel for the applicant and upon perusal of the application and the exhibits filed therewith, this Court is convinced that a strong *prima facie* case is made out for granting ad-interim relief.

7. Accordingly, list this application for further consideration on 05.02.2026.

8. In the meanwhile, by way of ad-interim direction, respondent No.14 is directed to immediately stop further construction on the suit property.

(MANISH PITALE, J.)